

CHAPTER 15

Buildings and Construction

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ARTICLE 15-4

Uniform Building Code and Standards

Sec. 15-4-10. Code adopted; purpose.

(a) There is hereby adopted by the City the Uniform Building Code, 1994 edition, published by the International Conference of Building Officials, Volumes 1, 2 and 3, including the generic fire-resistive assemblies listed in the Fire Resistance Design Manual, Thirteenth Edition, dated April 1992, published by the Gypsum Association as referenced in Tables 47-A, 47-B and 47-C, and including the 1994 edition of the Uniform Building Code Appendix Chapter 12, Division II, Appendix Chapter 3, Divisions I, II and IV, Appendix Chapters 10, 11, Divisions I and II, Appendix Chapter 12 Divisions I and II, Appendix Chapters 15, 16 Division I, Appendix Chapters 21, 29, 30 including the ANSI/ASME A17.1, 1987 Elevator Safety Code for Elevators and Escalators, including Supplements A17.1a-1988, A17.1b-1989 and the ANSI/ASME A17.3a-1986, Safety Code for Existing Elevators and Escalators, including Supplements A17.3a-1989, published by the American Society of Mechanical Engineers, Appendix Chapters 31 Divisions I and II, 33 and the Structural Welding Code-Reinforcing Steel, AWS D1.4-92 as amended by Uniform Building Code Standard 19-2 are all hereby adopted.

(b) Such code and said appendices are adopted for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City and certain equipment specifically regulated herein. (Ord. 1427 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-4-15. Nonliability.

The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents. (Ord. 1427 §1(part), 1992; Ord. 1589, 1999)

Sec. 15-4-20. Copy of code on file.

Not less than one (1) copy of said code has been and is now filed in the office of the City Clerk, and from the date on which this Article shall take effect, the provisions of the Uniform Building Code, the appendices thereto hereby adopted and the standards hereby adopted shall be controlling within the limits of the City. (Ord. 1427 §1(part), 1992; Ord. 1589, 1999)

Sec. 15-4-30. Deletions.

Anything contained in the Uniform Building Code or the appendices thereto hereby adopted, which is now or is hereafter inconsistent with other specific ordinances of this City, is deleted and not adopted by this Article. (Ord. 1427 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-4-40. Substitution of terms.

Whenever the term *Building Official* is used in the Uniform Building Code or the appendices thereto hereby adopted, the term *Chief Building Official of the City of Brighton or his or her duly authorized representatives, designees or appointees* shall be inserted in lieu thereof. (Ord. 1427 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-4-50. Section 105 amended; Board of Appeals.

Section 105 of the Uniform Building Code is amended to read as follows:

“Section 105. Board of Appeals

“105.1 Appointment. There is hereby established a Board of Appeals which shall consist of five (5) residents of this City who are qualified by experience or training to pass upon matters pertaining to building construction. The Board shall act in order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code.

“105.2 Term of Office. The Board of Appeals shall be appointed by the Mayor, with the advice and consent of the City Council, and shall hold office at the pleasure of the City Council. Three (3) consecutive unexcused absences of any member from meetings of the Board shall render any such member liable to immediate removal from office.

“105.3 Procedure. Three (3) members of the Board shall constitute a quorum. In rendering any decision on an appeal hereunder, no less than three (3) affirmative votes shall be required. No Board Member shall act in a case in which he has a personal interest. The Chief Building Official, or his or her designated representative or appointee, shall act as secretary of the Board of Appeals without vote and shall set forth the reasons for the Board's decisions, the vote of each member participating therein, the absence of any member and any failure of a member to vote. The Board may adopt rules and regulations for its own procedure, including designation of officers, other than the secretary, not inconsistent with the provisions of this Code, by motion duly made at a meeting of the Board of Appeals.

“105.4 Meetings. The Board shall meet at such time as is determined by the Chairman or any two (2) members within a reasonable time after the filing of an appeal with such Board, provided that such hearing date shall not be less than five (5) days nor more than sixty (60) days from the date the appeal was filed with the Building Official.

“105.5 Appeals. Whenever it is claimed that the provisions of this code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his or her duly authorized agent may appeal from the decision of the Building Official to the Board of Appeals. Such appeal shall be in writing and shall be made within thirty (30) days of the action causing the appeal.

“105.6 Decision of the Board of Appeals. The Board of Appeals, when acting upon an appeal and after a hearing, shall determine the suitability of alternate materials and methods of construction and make interpretations of the provisions of this code consistent with its purpose and intent. Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon

the decision. Every decision shall be filed in the office of the Building Official within thirty (30) days of such decision and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise delivered to the applicant. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay, and the Building Official shall immediately act in accordance with such decision. A decision of the Board of Appeals, which in effect shall modify the provisions of this code, shall not be considered a precedent for future decisions of the Building Official or Board of Appeals.

“105.6.1 Appeals from Board's Decision. All decisions made by the Board of Appeals are final and may not be appealed except to a court of law.

“105.7 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code.”

(Ord. 1427 §1(part), 1992; Ord. 1464, 1995)

Sec. 15-4-55. Section 107 amended; fees.

Section 107 of the Uniform Building Code is amended as follows: Wherever Table 1-A is referenced, insert the phrase *the current City of Brighton Fee Resolution* in lieu thereof. (Ord. 1464, 1995)

Sec. 15-4-60. Section 109.1 amended; certificate of occupancy.

Section 109.1 of the Uniform Building Code is amended by deleting the exception which reads: "EXCEPTION: Group R, Division 3 and Group M Occupancies." (Ord. 1464, 1995)

Sec. 15-4-65. Section 403.1 amended; special provisions for Group B office buildings and Group R, Division 1 occupancies.

Section 403.1 of the Uniform Building Code, 1994 edition, is amended to read as follows:

“Section 403.1 Scope. This section applies to all Group B office and Group R, Division 1 occupancies, each having floors used for human occupancy located more than forty (40) feet (12,192 mm) above the lowest level of fire department vehicle access. Such buildings shall be of Type I or II-F.R. construction and shall be provided with an approved automatic sprinkler system in accordance with Section 403.2.”

(Ord. 1464, 1995)

Sec. 15-4-70. Section 904.2.2 amended; fire-extinguishing system requirements; all occupancies except Group R, Division 3 and Group U occupancies.

Item 5 of Section 904.2.2 of the Uniform Building Code is amended as follows:

“5. Throughout all buildings with a floor level with an occupant load of thirty (30) or more that is located forty (40) feet (12,192 mm) or more above the lowest level of fire department vehicle access.

- “EXCEPTION: 1. Airport control towers.
2. Open parking structures.
3. Group F, Division 2
occupancies.”

(Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-4-75. Section 421.1 amended; outdoor swimming pools.

Section 421.1 of the Uniform Building Code is amended to read as follows:

“Section 421.1 Outdoor Swimming Pool. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

“1. The top of the barrier shall be at least 60 inches (1524 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. When barriers have horizontal members spaced less than 45 inches (1143 mm) apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

“2. Openings in the barrier shall not allow passage of a 1¾-inch-diameter (44 mm) sphere.

“3. Chain link fences used as the barrier shall not be less than 11 gage, and shall have solid slats installed throughout the chain link fence.

“4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate and barrier shall have no opening greater than ½ inch (13 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

“5. Where a wall of a Group R, Division 3 occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool, which provide direct access to the pool, a self-latching device must be installed on the inside of the dwelling at a minimum of 54 inches (1372 mm) above finish floor.

“Exceptions: When approved by the Building Official, one of the following may be used:

“An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds after the door is opened from the inside. The alarm shall reset automatically. The alarm shall be equipped with a manual means, such as a touch-pad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall

last no longer than 15 seconds. The deactivation device shall be located at least 54 inches (1372 mm) above the threshold of the door.

“Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by this section when approved by the Building Official.

“6. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access, or (2) the ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.”

(Ord. 1503 §1, 1997; Ord. 1589, 1999)

Sec. 15-4-80. Appendix Chapter 30 Section 3011.5 amended; fees.

Section 3011.5 of Appendix Chapter 30 of the Uniform Building Code is amended to read as follows:

“A fee for each permit or Certificate of Inspection shall be paid to the Building Official in accordance with fees established by the City of Brighton Fee Resolution.”

(Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-4-90. Appendix Chapter 33 amended; excavation and grading.

(a) Section 3306.2 of Appendix Chapter 33 of the Uniform Building Code is amended as follows:

“**Section 3306.2 Permits Required.** Delete grading permit exemption number six (6) and renumber remaining items accordingly.”

(b) Section 3310 of Appendix Chapter 33 of the Uniform Building Code is amended as follows:

“**Section 3310 Grading Fees.**

“**3310.1 General.** Grading permit and grading plan review fees shall be set by City of Brighton Fee Resolution.”

(c) Section 3311 of Appendix Chapter 33 of the Uniform Building Code is amended as follows:

“**Section 3311 Bonds.** The Building Official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected, or to assure that a final grading and drainage report pursuant to Section 3318 of this code is prepared by a licensed surveyor and/or civil engineer and is submitted to the Building Official upon completion of the grading work.

“In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the Building Official in an amount equal to that which would be required in the surety bond.”

(Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-4-100. Copies of code available for sale.

Copies of the Uniform Building Code are available for sale to the public by the office of the City Clerk at a price equal to the cost to the City. (Ord. 1427 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-4-110. Penalties and civil remedies.

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article, the Uniform Building Code, including all appendices thereto hereby adopted or any order issued by the Building Official hereunder. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the Uniform Building Code, including all appendices thereto hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1427 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

ARTICLE 15-6

Uniform Building Conservation Code

Sec. 15-6-10. Adopted; purpose.

There is hereby adopted by the City the Uniform Code for Building Conservation, 1994 edition, including Appendix Articles 3 and 4, promulgated by the International Conference of Building Officials for the purpose of encouraging the use or reuse of legally existing buildings and structures within the City by applying reasonable life safety and structural standards contained in said code. (Ord. 1421 §1(part), 1992; Ord. 1464, 1995)

Sec. 15-6-15. Nonliability.

The adoption of the code by this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents. (Ord. 1421 §1(part), 1992; Ord. 1589, 1999)

Sec. 15-6-20. Availability of copy of code; effective date.

Not less than one (1) copy of said code has been and is now filed in the office of the City Clerk, and from the date on which this Article shall take effect, the provisions of said Uniform Building Conservation Code, and the appendices thereto hereby adopted, shall be controlling within the limits of the City. (Ord. 1421 §1(part), 1992; Ord. 1589, 1999)

Sec. 15-6-30. Deletions.

Anything contained in the Uniform Code for Building Conservation and those appendices thereto hereby adopted which is now or is hereafter inconsistent with other specific ordinances of the City is deleted and not adopted by this Article. (Ord. 1421 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-6-40. Substitution of terms.

Whenever the term *Building Official* is used in the Uniform Code for Building Conservation or in appendices thereto hereby adopted, the term *Chief Building Official of the City of Brighton or his or her duly authorized representatives, designees or appointees* shall be inserted in lieu thereof. (Ord. 1421 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-6-50. Section 207 amended; Board of Appeals.

Section 207 of the Uniform Code for Building Conservation is amended to read as follows:

“Section 207. Board of Appeals

“207.1 Appointment. There is hereby established a Board of Appeals which shall consist of five (5) residents of this City who are qualified by experience or training to pass upon matters pertaining to building construction. The Board shall act in order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code.

“207.2 Term of Office. The Board of Appeals shall be appointed by the Mayor, with the advice and consent of the City Council, and shall hold office at the pleasure of the City Council. Three (3) consecutive unexcused absences of any member from meetings of the Board shall render any such member liable to immediate removal from office.

“207.3 Procedure. Three (3) members of the Board shall constitute a quorum. In rendering any decision on an appeal hereunder, no less than three (3) affirmative votes shall be required. No Board Member shall act in a case in which he or she has a personal interest. The Chief Building Official, or his or her designated representative or appointee, shall act as secretary of the Board of Appeals without vote and shall set forth the reasons for the Board's decisions, the vote of each member participating therein, the absence of any member and any failure of a member to vote. The Board may adopt rules and regulations for its own procedure, including designation of officers, other than the secretary, not inconsistent with the provisions of this Code, by motion duly made at a meeting of the Board of Appeals.

“207.4 Meetings. The Board shall meet at such time as is determined by the Chairman or any two (2) members within a reasonable time after the filing of an appeal with such Board, provided

that such hearing date shall not be less than five (5) days nor more than sixty (60) days from the date the appeal was filed with the Building OFFICIAL.

“207.5 Appeals. Whenever it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his or her duly authorized agent may appeal from the decision of the Building Official to the Board of Appeals. Such appeal shall be in writing and shall be made within thirty (30) days of the action causing the appeal.

“207.6 Decision of the Board of Appeals. The Board of Appeals, when acting upon an appeal and after a hearing, shall determine the suitability of alternate materials and methods of construction and make interpretations of the provisions of this Code consistent with its purpose and intent. Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon the decision. Every decision shall be filed in the office of the Building Official within thirty (30) days of such decision and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise delivered to the applicant. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay, and the Building Official shall immediately act in accordance with such decision. A decision of the Board of Appeals, which in effect shall modify the provisions of this Code, shall not be considered a precedent for future decisions of the Building Official or Board of Appeals.

“207.6.1 Appeals from Board's Decision. All decisions made by the Board of Appeals are final and may not be appealed except to a court of law.

“207.7 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the Board be empowered to waive requirements of this Code.”

(Ord. 1421 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-6-60. Copies of code available for sale.

Copies of the Uniform Code for Building Conservation are available for sale to the public by the office of the City Clerk at a price equal to the cost to the City. (Ord. 1421 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-6-70. Penalties and civil remedies.

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article, the Uniform Code for Building Conservation, including all appendices thereto hereby adopted, or any order issued by the Building Official hereunder. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the Uniform Code for Building Conservation, including all appendices thereto hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1421 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

ARTICLE 15-8

Dangerous Buildings Abatement Code

Sec. 15-8-10. Adopted; purpose.

There is hereby adopted by the City the Uniform Code for the Abatement of Dangerous Buildings, 1994 edition, promulgated by the International Conference of Building Officials, for the purpose of providing a just, equitable and practicable method whereby buildings or structures which endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished. (Ord. 1422 §1(part), 1992; Ord. 1464, 1995)

Sec. 15-8-15. Nonliability.

The adoption of the code by this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents. (Ord. 1422 §1(part), 1992; Ord. 1589, 1999)

Sec. 15-8-20. Copy of code on file.

Not less than one (1) copy of said code has been and is now filed in the office of the City Clerk, and from the date on which this Article shall take effect, the provisions of said Uniform Code for the Abatement of Dangerous Buildings shall be controlling within the limits of the City. (Ord. 1422 §1(part), 1992; Ord. 1589, 1999)

Sec. 15-8-30. Deletions.

Anything contained in the Uniform Code for the Abatement of Dangerous Buildings hereby adopted which is now or is hereafter inconsistent with other specific ordinances of this City is deleted and not adopted by this Article. (Ord. 1422 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-8-40. Substitution of terms.

Whenever the term *Building Official* is used in the Uniform Code for the Abatement of Dangerous Buildings, the term *Chief Building Official of the City of Brighton or his or her duly authorized agents, representatives, designees or appointees* shall be inserted in lieu thereof. (Ord. 1422 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-8-50. Section 205 amended; Board of Appeals.

Section 205 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

“Section 205. Board of Appeals

“205.1 Appointment. There is hereby established a Board of Appeals which shall consist of five (5) residents of this City who are qualified by experience or training to pass upon matters pertaining to building construction. The Board shall act in order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code.

“205.2 Term of Office. The Board of Appeals shall be appointed by the Mayor, with the advice and consent of the City Council, and shall hold office at the pleasure of the City Council. Three (3) consecutive unexcused absences of any member from meetings of the Board shall render any such member liable to immediate removal from office.

“205.3 Procedure. Three (3) members of the Board shall constitute a quorum. In rendering any decision on an appeal hereunder, no less than three (3) affirmative votes shall be required. No Board Member shall act in a case in which he or she has a personal interest. The Chief Building Official, or his or her designated representative or appointee, shall act as secretary of the Board of Appeals without vote and shall set forth the reasons for the Board's decisions, the vote of each member participating therein, the absence of any member and any failure of a member to vote. The Board may adopt rules and regulations for its own procedure, including designation of officers, other than the secretary, not inconsistent with the provisions of this Code, by motion duly made at a meeting of the Board of Appeals.

“205.4 Meetings. The Board shall meet at such time as is determined by the Chairman or any two (2) members within a reasonable time after the filing of an appeal with such Board, provided that such hearing date shall not be less than five (5) days nor more than sixty (60) days from the date the appeal was filed with the Building Official.

“205.5 Appeals. Whenever it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his or her duly authorized agent may appeal from the decision of the Building Official to the Board of Appeals. Such appeal shall be in writing and shall be made within thirty (30) days of the action causing the appeal.

“205.6 Decision of the Board of Appeals. The Board of Appeals, when acting upon an appeal and after a hearing, shall determine the suitability of alternate materials and methods of construction and make interpretations of the provisions of this Code consistent with its purpose and intent. Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon the decision. Every decision shall be filed in the office of the Building Official within thirty (30) days of such decision and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise delivered to the applicant. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay, and the Building Official shall immediately act in accordance with such decision. A decision of the Board of Appeals, which in

effect shall modify the provisions of this Code, shall not be considered a precedent for future decisions of the Building Official or Board of Appeals.

“205.6.1 Appeals from Board's Decision. All decisions made by the Board of Appeals are final and may not be appealed except to a court of law.

“205.7 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the Board be empowered to waive requirements of this Code.”

(Ord. 1422 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-8-60. Copies of code available for sale.

Copies of the Uniform Code for the Abatement of Dangerous Buildings are available for sale to the public by the office of the City Clerk at a price equal to the cost to the City. (Ord. 1422 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-8-70. Penalties and civil remedies.

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article, the Uniform Code for the Abatement of Dangerous Buildings, hereby adopted, or any order issued by the Building Official hereunder. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the Uniform Code for the Abatement of Dangerous Buildings, hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1422 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

ARTICLE 15-12

National Electrical Code

Sec. 15-12-10. Adopted; purpose.

There is hereby adopted by the City the National Electrical Code, 1996 edition, promulgated by the National Fire Protection Association, and the Uniform Administrative Code Provisions for the 1996 National Electrical Code, promulgated by the International Conference of Building Officials for the purpose of providing minimum standards to safeguard life and limb, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of electrical wiring and equipment in the City. (Ord. 1349 §1(part), 1990; Ord. 1464, 1995; Ord. 1502 §1(part), 1997)

Sec. 15-12-15. Nonliability.

The adoption of the code by the ordinance codified in this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with, the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S.. or to waive any immunities of limitations on liability otherwise available to the City or its officers, employees or agents. (Ord. 1349 §1(part), 1990; Ord. 1502 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-12-20. Availability of copy of code.

Not less than one (1) copy of the National Electrical Code and the Uniform Administrative Code Provisions for the 1996 National Electrical Code have been and are now on file in the office of the City Clerk; and from the effective date of the ordinance amending this Article, the provisions of said Code shall be controlling within the limits of the City. (Ord. 1349 §1(part), 1990; Ord. 1464, 1995; Ord. 1502 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-12-30. Deletions.

Anything contained in the National Electrical Code and the Uniform Administrative Code Provisions for the 1996 National Electrical Code hereby adopted which is now or is hereafter inconsistent with other specific ordinances of the City is deleted and not adopted by the ordinance codified in this Article. (Ord. 1464, 1995; Ord. 1502 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-12-40. Substitution of terms.

Whenever the term *Building Official* or *authority having jurisdiction* is used in the National Electrical Code and the Uniform Administrative Code Provisions for the 1996 National Electrical Code, the term *Chief Building Official of the City of Brighton or his or her duly authorized agents, representatives, designees or appointees* shall be inserted in lieu thereof. (Ord. 1349 §1(part), 1990; Ord. 1464, 1995; Ord. 1502 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-12-50. Section 203 amended; Board of Appeals.

Section 203 of the Uniform Administrative Code Provisions for the 1996 National Electrical Code is amended to read as follows:

“Section 203 Board of Appeals.

“203.1 Appointment. There is hereby established a Board of Appeals which shall consist of five (5) residents of this City who are qualified by experience or training to pass upon matters pertaining to building construction. The Board shall act in order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code.

“203.2 Term of Office. The Board of Appeals shall be appointed by the Mayor, with the advice and consent of the City Council, and shall hold office at the pleasure of the City Council.

Three (3) consecutive unexcused absences of any member from meetings of the Board shall render any such member liable to immediate removal from office.

“203.3 Procedure. Three (3) members of the Board shall constitute a quorum. In rendering any decision on an appeal hereunder, no less than three (3) affirmative votes shall be required. No Board Member shall act in a case in which he or she has a personal interest. The Chief Building Official, or his or her designated representative or appointee, shall act as secretary of the Board of Appeals without vote and shall set forth the reasons for the Board's decisions, the vote of each member participating therein, the absence of any member and any failure of a member to vote. The Board may adopt rules and regulations for its own procedure, including designation of officers, other than the secretary, not inconsistent with the provisions of this Code, by motion duly made at a meeting of the Board of Appeals.

“203.4 Meetings. The Board shall meet at such time as is determined by the Chairman or any two (2) members within a reasonable time after the filing of an appeal with such Board, provided that such hearing date shall not be less than five (5) days nor more than sixty (60) days from the date the appeal was filed with the Building Official.

“203.5 Appeals. Whenever it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his or her duly authorized agent may appeal from the decision of the Building Official to the Board of Appeals. Such appeal shall be in writing and shall be made within thirty (30) days of the action causing the appeal.

“203.6 Decision of the Board of Appeals. The Board of Appeals, when acting upon an appeal and after a hearing, shall determine the suitability of alternate materials and methods of construction and make interpretations of the provisions of the Code consistent with its purpose and intent. Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon the decision. Every decision shall be filed in the office of the Building Official within thirty (30) days of such decision and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise delivered to the applicant. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay, and the Building Official shall immediately act in accordance with such decision. A decision of the Board of Appeals, which in effect shall modify the provisions of this Code, shall not be considered a precedent for future decisions of the Building Official or Board of Appeals.

“203.6.1 Appeals from Board's Decision. All decisions made by the Board of Appeals are final and may not be appealed except to a court of law.

“203.7 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the Board be empowered to waive requirements of this Code.”

(Ord. 1349 §1(part), 1990; Ord. 1464, 1995; Ord. 1502 §1(part), 1997)

Sec. 15-12-60. Copies of code available for sale.

Copies of the National Electrical Code and the Uniform Administrative Code Provisions for the 1996 National Electrical Code are available for sale to the public by the office of the City Clerk at a

price equal to the cost to the City. (Ord. 1349 §1(part), 1990; Ord. 1464, 1995; Ord. 1502 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-12-70. Penalties and civil remedies.

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article, the National Electrical Code and the Uniform Administrative Code Provisions of the 1996 National Electrical Code, hereby adopted or any order issued by the Building Official hereunder. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the National Electrical Code and the Uniform Administrative Code Provisions of the 1996 National Electrical Code, hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1349 §1(part), 1990; Ord. 1464, 1995; Ord. 1502 §1(part), 1997; Ord. 1589, 1999)

ARTICLE 15-16

Contractor Licenses

Sec. 15-16-10. Intent.

This Article is enacted to protect the health, safety and welfare of the general public by assuring that contractors working in the City are appropriately qualified. (Ord. 1350 §1(part), 1990)

Sec. 15-16-15. Nonliability.

The adoption of the ordinance codified in this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article. Nothing in this Article shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities of limitations on liability otherwise available to the City or its officers, employees or agents. (Ord. 1350 §1(part), 1990; Ord. 1589, 1999)

Sec. 15-16-20. License required.

(a) A contractor license is required for any person, firm, partnership, corporation, association or any combination thereof which undertakes to perform any of the work for which a license is authorized in this Article within the City for any compensation.

(b) The following are excepted from the requirements of this Article:

- (1) Any person performing work under the direction of a licensed contractor;
- (2) An owner performing work on his or her own personal residence and buildings accessory thereto. Pursuant to this exception, he or she may construct only one (1) residence as his or her personal residence within a period of three (3) consecutive years;
- (3) Owners of commercial buildings may, at the discretion of the Building Official, be issued permits for minor remodel projects not involving structural changes, such as relocations of counters, construction of partitions and facade, provided that, in the opinion of the Building Official, the building owner is capable of doing the work. All electrical and plumbing work must be done by licensed electricians and licensed plumbers respectively;
- (4) Public utility companies and water and sanitation districts when engaged in the installation, operation and maintenance of equipment used in production or service from their source through the facilities owned or operated by such utility company to the point of customer service;
- (5) Contractors installing fabricated or manufactured units such as cabinets, counter tops, storm windows, carpet, gutters, downspouts and landscaping materials; and
- (6) Electrical contractors registered pursuant to Article 15-12. (Ord. 1350 §1(part), 1990)

Sec. 15-16-30. Responsibility of licensee and electrical code registrants.

Contractors licensed as provided in this Article and persons registered pursuant to the Electrical Code under Article 15-12 of this Code shall be responsible for the proper conduct of their business in the City, to include:

- (1) Obtaining required permits before commencing work;
- (2) Completion of construction in accordance with drawings and specifications filed and approved and permit issued by the City, except for good cause and/or under City-approved changes;
- (3) Calling for all required inspections and giving twenty-four-hour minimum notice;
- (4) Maintaining building plans, permit and inspection records on the job site accessible to City inspectors;
- (5) Providing adequate job site sanitary facilities and safety measures to protect workers and the general public;
- (6) Paying for all licenses and fees as required by the City's fees and charges resolution; and
- (7) Proper supervision of all subcontractors and employees. (Ord. 1350 §1(part), 1990)

Sec. 15-16-40. Application for license.

(a) Applicants for a contractor license and for electrical code registration pursuant to Article 15-12 of this Code shall submit an application form provided by the City and pay the required application fees. Such form shall be accurately completed and signed by the applicant.

(b) Any applicant for a contractor license shall establish his or her competence to perform the activities authorized by the license to the satisfaction of the Building Official. (Ord. 1350 §1(part), 1990)

Sec. 15-16-50. License classifications.

The following classes of contractor licenses are established and the holder of each license shall be authorized to perform work permitted by such license. All licenses shall be valid for twelve months from date of issue.

(1) Class A–Unlimited General Contractor. The holder of this license shall be authorized to construct, alter, repair or demolish any building or structure.

(2) Class B–Limited General Contractor. The holder of this license shall be authorized to construct Type III, IV or V buildings which do not exceed three (3) stories in height and which would not be used for Group E or I Occupancy. This class license authorizes interior nonstructural work on all building types and all occupancy groups. The holder may perform work authorized by C and D class licenses.

(3) Class C–Residential General Contractor. The holder of this license shall be authorized to construct, alter, repair or demolish residential buildings not exceeding three (3) stories in height above grade and not involving reinforced concrete above grade. The holder may perform work authorized by a Class D or E license.

(4) Class D–Jobbing Contractor. The holder of this license shall be authorized to construct, alter, repair or demolish nonhabitable buildings or portions of buildings or structures such as private garages, carports, patios, sheds, swimming pools, fences and signs. The license holder may also perform work authorized by a Class E license.

(5) Class E–Specialty Trades. The holder of this license shall be authorized to perform one (1) specified building trade such as housemover, mobile home setup, masonry, concrete flatwork, framing, drywall, roofing, glazing, irrigation systems, fire protection systems, elevator systems, security systems, solar energy collection/conversion systems, drain laying, water and sewer mains and paving, but shall not authorize electrical or mechanical work or connections to a potable water system.

(6) Class P–Plumbing Contractor. The holder of this license shall be authorized to perform all work described in the adopted Uniform Plumbing Code. This class license shall be issued to an individual, or to a business entity employing, in a supervisory capacity, an individual holding a current and valid state Master's Plumbing license.

(7) Class M–Mechanical Contractor. The holder of this license shall be authorized to construct, install, repair or alter all mechanical systems described in the adopted Uniform Mechanical Code, but shall not authorize electrical work or connections to a potable water system. (Ord. 1350 §1(part), 1990)

Sec. 15-16-60. Insurance required.

Before any contractor license shall be issued to an applicant, the applicant shall furnish to the Building Official a certificate of general liability insurance in favor of the City and valid for the period of the license. Coverage shall not be less than one hundred thousand dollars (\$100,000.00) for injury or death to one (1) person and three hundred thousand dollars (\$300,000.00) for injury or death to more than one (1) person in any single accident or event, and not less than fifty thousand dollars (\$50,000.00) for property damage or destruction. Lapse of insurance shall render the license suspended until such insurance is reinstated. (Ord. 1350 §1(part), 1990)

Sec. 15-16-70. License nontransferable.

A change in name or ownership of a licensed business entity shall have the legal effect of terminating the license. All such changes shall be reported to the Building Official and a new license applied for. Licenses are not transferable. (Ord. 1350 §1(part), 1990)

Sec. 15-16-80. Suspension or revocation of license.

(a) The City Council shall have the right to suspend or revoke a contractor license for violation of the provisions of this Article or violation of any other ordinance, code or statute in effect within the City.

(b) The City Manager shall notify the licensee in writing by certified mail or by personal service at least seven (7) calendar days prior to the City Council meeting at which the suspension or revocation is to be considered. (Ord. 1350 §1(part), 1990; Ord. 1589, 1999)

Sec. 15-16-90. Denial of license.

The Building Official may deny an application for a license or license renewal under this Article upon a determination that:

- (1) The applicant has provided false information on the application form;
- (2) The applicant is not qualified by education, training or experience to perform the work authorized by the license; or
- (3) The applicant has previously failed to comply with ordinances and regulations of the City relating to contractor licenses or construction. (Ord. 1350 §1(part), 1990)

Sec. 15-16-100. Appellate review for denial or renewal.

(a) The Board of Appeals, as established under Article 15-4 of this Code, shall hear any appeal submitted by an applicant whose contractor license application or renewal has been denied by the Building Official.

(b) The applicant shall submit his or her appeal in writing to the Board of Appeals within ten (10) calendar days after his or her application has been denied.

(c) The Board of Appeals, after a hearing, shall determine whether the City abused its discretion in denying the application for a license authorized in this Article.

(d) The Board of Appeals shall make its decision in writing, and shall have the decision delivered to the applicant by certified mail or personal service within thirty (30) days of the hearing. The City shall immediately act in accordance with the decision. (Ord. 1350 §1(part), 1990)

ARTICLE 15-20

Fire Prevention and Protection

Sec. 15-20-10. Adopted; purpose.

There is hereby adopted by the City the Uniform Fire Code, Volumes 1 and 2, 1994 edition, promulgated by the International Fire Code Institute, including all appendices thereto for the purpose of prescribing regulations governing the conditions hazardous to life and property from fire or explosion within the limits of the City. (Ord. 1424 §1(part), 1992; Ord. 1467, 1995)

Sec. 15-20-15. Nonliability.

The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City, or its officers, employees or agents. (Ord. 1424 §1(part), 1992; Ord. 1589, 1999)

Sec. 15-20-20. Availability of copy of code.

Not less than one (1) copy of the Uniform Fire Code has been, and is now on file in the office of the City Clerk, and from the effective date of the ordinance amending this Article, the provisions of said code shall be controlling within the limits of the City. (Ord. 1424 §1(part), 1992; Ord. 1467, 1995; Ord. 1589, 1999)

Sec. 15-20-30. Deletions.

Anything contained in the Uniform Fire Code hereby adopted, which is now or is hereafter inconsistent with other specific ordinances of the City, is deleted and not adopted by the ordinance codified in this Article. (Ord. 1467, 1995; Ord. 1589, 1999)

Sec. 15-20-40. Substitution of terms.

(a) Whenever the term Chief, Chief of Fire Department, Chief of Bureau of Fire Prevention, Fire Prevention Bureau or Fire Prevention Engineer is used in the Uniform Fire Code, including the appendices thereto hereby adopted, the term Fire Chief of the Brighton Fire Protection District or Fire Chief of the South Adams Fire Protection District, as applicable, shall be inserted in lieu thereof; except in Section 1001 inclusive of Article 10 of the Uniform Fire Code adopted hereby, shall mean the Chief of the Brighton Fire Protection District or Chief of South Adams Fire Protection District, as appropriate.

(b) Whenever the term *corporation counsel* is used in the codes adopted hereby, it shall be held to mean the City Attorney.

(c) Whenever the term *municipality* or *jurisdiction* is used in the codes adopted hereby, it shall be held to mean the City, as represented by the City Council unless specifically otherwise defined or referred to.

(d) Whenever the term *administrator* is used in the codes adopted hereby, the term *City Manager of the City of Brighton or his or her duly authorized agents, representatives, designees or appointees* shall be inserted in lieu thereof. (Ord. 1424 §1(part), 1992; Ord. 1467, 1995; Ord. 1589, 1999)

Sec. 15-20-50. Section 103.1.4 amended; Board of Appeals.

Section 103.1.4 of the Uniform Fire Code is amended to read as follows:

“Section 103.1.4. Board of Appeals

“103.1.4.1 Appointment. There is hereby established a Board of Appeals which shall consist of five (5) residents of this City who are qualified by experience or training to pass upon matters pertaining to building construction. The Board shall act in order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code.

“103.1.4.2 Term of Office. The Board of Appeals shall be appointed by the Mayor, with the advice and consent of the City Council, and shall hold office at the pleasure of the City Council. Three (3) consecutive unexcused absences of any member from meetings of the Board shall render any such member liable to immediate removal from office.

“103.1.4.3 Procedure. Three (3) members of the Board shall constitute a quorum. In rendering any decision on an appeal hereunder, no less than three (3) affirmative votes shall be required. No Board Member shall act in a case in which he has a personal interest. The Chief Building Official, or his or her designated representative or appointee, shall act as secretary of the Board of Appeals without vote and shall set forth the reasons for the Board's decisions, the vote of each member participating therein, the absence of any member and any failure of a member to vote. The Board may adopt rules and regulations for its own procedure, including designation of officers, other than the secretary, not inconsistent with the provisions of this Code, by motion duly made at a meeting of the Board of Appeals.

“103.1.4.4 Meetings. The Board shall meet at such time as is determined by the Chairman or any two (2) members within a reasonable time after the filing of an appeal with such Board, provided that such hearing date shall not be less than five (5) days nor more than sixty (60) days from the date the appeal was filed with the Building Official.

“103.1.4.5 Appeals. Whenever it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his or her duly authorized agent may appeal from the decision of the Building Official to the Board of Appeals. Such appeal shall be in writing and shall be made within thirty (30) days of the action causing the appeal.

“103.1.4.6 Decision of the Board of Appeals. The Board of Appeals, when acting upon an appeal and after a hearing, shall determine the suitability of alternate materials and methods of construction and make interpretations of the provisions of this Code consistent with its purpose and intent. Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon the decision. Every decision shall be filed in the office of the Building Official within thirty (30) days of such decision and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise delivered to the applicant. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay, and the Building Official shall immediately act in accordance with such decision. A decision of the Board of Appeals, which in effect shall modify the provisions of this Code, shall not be considered a precedent for future decisions of the Building Official or Board of Appeals.

“103.1.4.6.1 Appeals from Board's Decision. All decisions made by the Board of Appeals are final and may not be appealed except to a court of law.

“103.1.4.7 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.”

(Ord. 1424 §1(part), 1992; Ord. 1467, 1995; Ord. 1589, 1999)

Sec. 15-20-60. Copies of code available for sale.

Copies of the Uniform Fire Code are available for sale to the public by the office of the City Clerk at a price equal to the cost to the City. (Ord. 1467, 1995; Ord. 1589, 1999)

Sec. 15-20-70. Specific amendments.

(a) Section 101.5 of the Uniform Fire Code, 1994 edition, is amended as follows:

“101.5 Liability. The Chief and other individuals charged by the Chief with the control or extinguishment of any fire, the enforcement of this Code or any other official duties, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that may accrue to persons or property as a result of any act of or by reason of any act or omission in the discharge of their duties. Any suit brought against the Chief or such individuals because of such act or omission performed in the enforcement of any provisions of such codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the code enforcement agency shall be defended by the Brighton Fire Protection District (for individuals in its employ), the South Adams Fire Protection District (for employees in its employ) or the City of Brighton (for individuals in its employ) until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the Brighton Fire Protection District (for individuals in its employ), the South Adams Fire Protection District (for employees in its employ) or the City of Brighton (for individuals in its employ).”

(b) Section 105.8 of the Uniform Fire Code is amended to read:

“105.8 Permit Required. A permit shall be obtained from the Brighton Fire Protection District prior to engaging in the following activities, operations, practices or functions:

“1. Asbestos Removal. Asbestos removal must comply with this code and specifically Section 8707.

“2. Fireworks Group Displays. Fireworks group displays must comply with Article 78.

“3. Flammable or Combustible Liquid Tanks. A permit is required to install, alter, remove, abandon, place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.

“4. Open Burning. Where burning is to be conducted on public property or the property of someone other than the permit applicant, the permit applicant shall demonstrate that permission has been obtained by the appropriate government agency, the owner or the owner's authorized agent. When limits for atmospheric conditions or hours restrict burning, such limits shall be designated in the permit restrictions. See Section 1102.3.

“5. Pyrotechnical Special Effects Material. For permits for pyrotechnical special effects material, see Article 78.

“6. Spraying or Dipping. To conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Article 45.

“7. Welding and Cutting Operations. To conduct welding or cutting operations in an occupancy. See Article 49.

“8. Special Conditions. Any operation, building use or condition that presents a fire hazard, in the opinion of the Chief or as set by written policy of the Brighton Fire Protection District.”

(c) Section 1001.10 of the Uniform Fire Code is amended to read:

“1001.10 Fire Appliances. The Chief is authorized to designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises in the jurisdiction other than private dwellings classified as R-3 Occupancies by the Uniform Building Code. This designation shall be based on the relative severity of probable fire, including the rapidity with which it could spread. Such appliances shall be of a type suitable for the probable class of fire associated with such building or premises and shall have approval of the Chief. At a minimum, portable fire extinguishers shall have a rating of 4A40BC or 40BC, as approved by the Chief or Fire Chief.”

(d) Section 903.2 of the Uniform Fire Code is amended to read:

“903.2 Required Water Supply for Fire Protection. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction, and when any portion of the facility or building protected is in excess of 150 feet from a water supply on a public street as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the Chief, except as may be waived or modified by action of the City Council.”

(e) Section 903.3 of the Uniform Fire Code is amended to read:

“903.3 Type of Water Supply. Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow, except as may be waived or modified by action of the City Council. If there are requirements for fire flow to be set, the Chief may be guided by the provisions in Appendix III-A.”

(f) Section 903.4.2 of the Uniform Fire Code is amended to read:

“903.4.2 Required Installations. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided in the public street or on the site of the premises or both, to be protected as required and approved by the Chief, except as may be waived or modified by action of the City Council.”

(g) Section 1 of Appendix III-A is amended to read:

“Section 1 – Scope.

“The procedure determining fire-flow requirements for buildings or portions of buildings hereafter constructed shall be in accordance with this Appendix, except as may be waived or modified by action of the City Council.”

(h) Section 1 of Appendix III-B is amended to read:

“Section 1 – Scope.

“Fire hydrants shall be provided in accordance with this Appendix for the protection of buildings, or portions of buildings, hereafter constructed, except as may be waived or modified by action of the City Council.”

(i) Section 1007.2.12.2.1 of the Uniform Fire Code is hereby amended to read:

“1007.2.12.2.1 General. Group B office buildings and Group R Division 1 occupancies, each having floors used for human occupancy located more than 40 feet (12,192 mm) above the lowest level of fire department vehicle access, shall be provided with an automatic fire alarm system and a communication system in accordance with Section 1007.2.12.2.2.”

(j) Section 1102.3.1 of the Uniform Fire Code is amended to read:

“1102.3.1 General. Open burning shall not be allowed under any circumstances unless a special burn permit is first obtained from the Brighton Fire Protection District or South Adams Fire Protection District. Such open burn special permits will be subject to Section 1102.3 of this Code, Brighton Fire Protection District or South Adams Fire Protection District policies and any other governing agencies regulating emissions.”

(k) Section 1102.4.1 of the Uniform Fire Code is amended to read:

“1102.4.1 General. Recreational fires shall not be allowed under any circumstances unless a special burn permit is first obtained from the Brighton Fire Protection District or South Adams Fire Protection District. Such special burn permits shall be subject to the provisions of Section 1102.4 of this Code, Brighton Fire Protection District or South Adams Fire Protection District policies and other agencies regulating emissions.”

(Ord. 1467, 1995; Ord. 1589, 1999)

Sec. 15-20-80. Penalties and civil remedies.

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article, the Uniform Fire Code hereby adopted or any order issued by the Fire Chief or Fire Chief hereunder. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the Uniform Fire Code hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1424 §1(part), 1992; Ord. 1467, 1995; Ord. 1589, 1999)

ARTICLE 15-24

Moving of Structures

Sec. 15-24-10. Definitions.

Each definition used in this Article is as follows unless the context otherwise indicates:

- (1) *Building* means a building, house or structure moved within the City.
- (2) *Mover* means any person who desires to move a house, building or structure in the City. (Ord. 898 §3, 1976; Ord. 1589, 1999)

Sec. 15-24-20. Permit required.

It is unlawful for any person to move any building, house or structure over, upon, along or across any public street in the City or from any site or to any site within the City without having first obtained a written permit to do so from the Director of Public Works; provided, however, that the ordinance codified in this Article shall apply only to those public streets over which the City exercises exclusive jurisdiction, and therefore any such move through the City solely upon the streets or highways that are a part of the State Highway System or the Federal Highway System are not subject to the requirements of this Article. (Ord. 898 §4, 1976)

Sec. 15-24-30. Contents of application.

Application for a permit required hereunder shall be made to the Director of Public Works and shall contain the following information:

- (1) Name and address of the applicant;

- (2) Location of the building, house or structure to be moved;
- (3) Location of the proposed site to which the building, house or structure is to be moved;
- (4) Date and time of the proposed move;
- (5) Map or description of the route to be taken;
- (6) Height, width and length of the building, house or structure to be moved and truck or equipment to be used for moving the house, building or structure;
- (7) Proof of insurance with an insurance company licensed to do business in Colorado with the following coverage and stipulations:
 - a. Bodily injury liability in the amount of: one hundred thousand dollars (\$100,000.00) each person, and three hundred thousand dollars (\$300,000.00) aggregate,
 - b. Property damage liability in the amount of: twenty-five thousand dollars (\$25,000.00) each occurrence, and fifty thousand dollars (\$50,000.00) aggregate,
 - c. Such proof of insurance shall include all operations of the mover connected to or regarding the house, building or structure to be moved and all vehicles involved therein;
- (8) Certificate or statement that all legal requirements imposed by the Colorado Utilities Commission, Interstate Commerce Commission and Colorado State Highway Department have been complied with;
- (9) A performance bond as required by Section 15-24-80 of this Article; and
- (10) A building permit for the site to which the building is to be moved if such site is located within the City. (Ord. 898 §5, 1976)

Sec. 15-24-40. Permit term, contents, conditions.

- (a) The moving permit shall be obtained prior to or at the same time as the building permit, and the moving permit shall expire sixty (60) days from date of issuance.
- (b) A moving permit shall specify the date and time in which the proposed move may be accomplished and shall also specify the route to be taken in connection with such move. The mover shall have the permit in the vehicle during the progress of the move and shall show the permit on demand to any police officer or any authorized employee of the City. (Ord. 898 §6, 1976)

Sec. 15-24-50. Permit prerequisite to issuance.

If the building, house or structure proposed to be moved is to be located upon a site in the City, the Director of Public Works shall, prior to issuing the moving permit provided for herein, assure that the requirements of this Article have been complied with and that the building, house or structure proposed to be moved shall be compatible in size, structure, age, value and general architectural design to the neighborhood to which the move is contemplated and shall assure that the proposed use is consistent with the zoning classification of the land to be used for the relocation. (Ord. 898 §7, 1976)

Sec. 15-24-60. Permit fee, application and inspection.

A ten-dollar application fee shall be paid with each application for each building, house or structure to be moved to any site within the City. In addition thereto, in the case of a building being moved from a site outside the City limits, the sum of fifteen cents (\$0.15) per mile measured from the City limits of the City to the location of the building, house or structure to be moved and return mileage to the City limits of the City shall be paid by the applicant to defray the cost of inspection of the building, house or structure by the Building Department. (Ord. 898 §8, 1976)

Sec. 15-24-70. Basis for fee.

Every applicant before being granted a moving permit shall pay a permit fee based upon the size of the structure as follows:

(1) Structures other than residential and commercial:

a. Up to and including twelve (12) feet wide, twenty-four (24) feet long, twelve (12) feet high—twenty-five dollars (\$25.00),

b. More than twelve (12) feet wide or twenty-four (24) feet long or twelve (12) feet high—fifty dollars (\$50.00);

(2) Residential or commercial structures—one hundred fifty dollars (\$150.00). (Ord. 898 §9, 1976)

Sec. 15-24-80. Bond or security deposit required.

(a) The owner of the building, house or structure to be moved or the mover shall, before a permit is issued hereunder, in addition to all other requirements of this Article, furnish and deliver to the City a performance and completion bond in the sum of two thousand dollars (\$2,000.00), issued by a corporate surety conditioned upon the applicant's faithful performance of all ordinances, regulations, conditions and requirements of the City and at the movement of any building, house or structure pursuant to the permit issued hereunder, shall be initiated within sixty (60) days from the issuance of the permit and that all necessary construction as defined herein shall be completed within one hundred eighty (180) days from date of issuance of the moving permit.

(b) Necessary construction as defined herein means all foundation work, building, heating, plumbing and electrical construction as required by the ordinances of the City and the state statutes for construction of a new structure.

(c) In the alternative, the applicant may deposit two thousand dollars (\$2,000.00) by cash or certified funds with the Director of Finance or provide other security acceptable to the Director of Finance rather than post a corporate surety bond upon the same conditions as are provided for herein. (Ord. 898 §10, 1976)

Sec. 15-24-90. Mover to provide escort.

As a condition to issuance of the moving permit provided for herein, the Director of Public Works shall have the authority to require a mover to provide an escort at the mover's expense for the purpose of regulating traffic along the route such house, building or structure is to be moved. (Ord. 898 §11, 1976)

Sec. 15-24-100. Parking along route prohibited.

The City Manager may prohibit parking for a period not in excess of twenty-four (24) hours along the route designated for the house, building or structure to be moved, provided that such notice shall be given not less than twenty-four (24) hours prior to the time of the move and shall be given by posting signs stating "No Parking — Tow Away Zone" between certain hours. The Chief of Police is empowered to move any vehicle parked in violation of the foregoing parking restriction and charge the cost of such move to the motor vehicle or its owner. (Ord. 898 §12, 1976)

Sec. 15-24-110. Time limitation; extension.

Time of the movement shall be designated by the Director of Public Works. Every such permit shall become and be void unless such move shall be completed and the house, building or structure removed from the public right-of-way within the time specified on the application for such permit; provided, however, that the Director of Public Works may extend such time when the moving of a house, building or structure is rendered impracticable by reasons of inclemency of weather, strikes or other causes not within the control of the mover. (Ord. 898 §13, 1976)

Sec. 15-24-120. Warning devices required.

No person moving any house, building or structure over, upon, along or across any public street shall fail, neglect or refuse to keep signal devices as required by the Director of Public Works at all times at each corner of such house, building or structure and at the end of any projection thereof while the same is located in or upon any public street. (Ord. 898 §14, 1976)

Sec. 15-24-130. Utility notification and service disconnection; costs.

(a) Before any house, building or structure shall be moved pursuant to this Article, the mover shall give written notice to the public utilities or agencies affected by the proposed move.

(b) Prior to issuance of a moving permit, the power to all electric service lines shall be shut off and all lines cut or disconnected outside the property line and all gas, water, steam, sewer or other service lines shall be shut off and capped outside the building line or curb or at the main transmission line as directed by the Director of Utilities.

(c) All costs of water or sewer connection and/or tapping shall be paid for by the applicant or his or her authorized agent. (Ord. 898 §15, 1976)

Sec. 15-24-140. Damage; liability for repair.

(a) It is the duty of any person so moving any house, building or structure under the provisions of this Article to forthwith repair any damage done to any sidewalk, alley, street, tree, utility poles, wires or other property, and failure to do so shall constitute a violation of this Article.

(b) Whenever any such person moving any house, building or structure under the provisions of this Article is not the owner of the vehicle making the move, the owner of the load, as well as the owner of the vehicle and the person operating the same shall be jointly and severally liable and responsible for compliance with the requirements of this Article. (Ord. 898 §16, 1976)

Sec. 15-24-150. Clearing of vacated site.

In the event the building, house or structure is to be removed from a site within the City, the owner of the site and/or the mover shall insure that the vacated building site is cleaned and cleared of any and all debris and material and that all holes and irregularities on the site which constitute an unsafe, unhealthy or dangerous condition are eliminated. (Ord. 898 §16, 1976)

Sec. 15-24-160. Inspection and compliance required; occupancy permit.

Upon relocation of any building, house or structure within the City, the owner of such building, house or structure shall request the Director of Public Works to make an inspection. No occupancy permit shall be issued until full compliance is obtained with all the requirements of the City. (Ord. 898 §16, 1976; Ord. 1589, 1999)

ARTICLE 15-28

Uniform Housing Code

Sec. 15-28-10. Adopted; purpose.

There is hereby adopted by the City the Uniform Housing Code, 1994 edition, promulgated by the International Conference of Building Officials, for the purpose of providing requirements for the protection of life and limb, property, safety and welfare of the general public and the owners and occupants of residential buildings within the City. (Ord. 1423 §1(part), 1992; Ord. 1464, 1995)

Sec. 15-28-15. Nonliability.

The adoption of the code by this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City, or its officers, employees or agents. (Ord. 1423 §1(part), 1992; Ord. 1589, 1999)

Sec. 15-28-20. Availability of copy of code.

Not less than one (1) copy of said code has been and is now filed in the office of the City Clerk, and from the date on which this Article shall take effect, the provisions of the Uniform Housing Code shall be controlling within the limits of the City. (Ord. 1423 §1(part), 1992; Ord. 1589, 1999)

Sec. 15-28-30. Deletions.

Anything contained in the Uniform Housing Code which is now or is hereafter inconsistent with other specific ordinances of the City, is deleted and not adopted by the ordinance codified in this Article. (Ord. 1423 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-28-40. Substitution of terms.

Whenever the term *Building Official* is used in the Uniform Housing Code, the term *Chief Building Official of the City of Brighton or his or her duly authorized agents, representatives, designees or appointees* shall be inserted in lieu thereof. (Ord. 1423 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-28-50. Section 203 amended; Board of Appeals.

Section 203 of the Uniform Housing Code is amended to read as follows:

“Section 203. Board of Appeals

“203.1 Appointment. There is hereby established a Board of Appeals which shall consist of five (5) residents of this City who are qualified by experience or training to pass upon matters pertaining to building construction. The Board shall act in order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code.

“203.2 Term of Office. The Board of Appeals shall be appointed by the Mayor, with the advice and consent of the City Council, and shall hold office at the pleasure of the City Council. Three (3) consecutive unexcused absences of any member from meetings of the Board shall render any such member liable to immediate removal from office.

“203.3 Procedure. Three (3) members of the Board shall constitute a quorum. In rendering any decision on an appeal hereunder, no less than three (3) affirmative votes shall be required. No Board member shall act in a case in which he or she has a personal interest. The Chief Building Official, or his or her designated representative or appointee, shall act as secretary of the Board of Appeals without vote and shall set forth the reasons for the Board's decisions, the vote of each member participating therein, the absence of any member and any failure of a member to vote. The Board may adopt rules and regulations for its own procedure, including designation of officers, other than the secretary, not inconsistent with the provisions of this Code, by motion duly made at a meeting of the Board of Appeals.

“203.4 Meetings. The Board shall meet at such time as is determined by the Chairman or any two (2) members within a reasonable time after the filing of an appeal with such Board, provided that such hearing date shall not be less than five (5) days nor more than sixty (60) days from the date the appeal was filed with the Building Official.

“203.5 Appeals. Whenever it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his or her duly authorized agent may appeal from the decision of the Building Official to the Board of Appeals. Such appeal shall be in writing and shall be made within thirty (30) days of the action causing the appeal.

“203.6 Decision of the Board of Appeals. The Board of Appeals, when acting upon an appeal and after a hearing, shall determine the suitability of alternate materials and methods of construction and make interpretations of the provisions of this Code consistent with its purpose and intent. Every decision of the Board of Appeals shall be in writing and shall indicate the vote

upon the decision. Every decision shall be filed in the office of the building official within thirty (30) days of such decision and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise delivered to the applicant. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay, and the Building Official shall immediately act in accordance with such decision. A decision of the Board of Appeals, which in effect shall modify the provisions of this Code, shall not be considered a precedent for future decisions of the Building Official or Board of Appeals.

“203.6.1 Appeals from Board's Decision. All decisions made by the Board of Appeals are final and may not be appealed except to a court of law.

“203.7 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the Board be empowered to waive requirements of this Code.”

(Ord. 1423 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-28-60. Copies of code available for sale.

Copies of the Uniform Housing Code are available for sale to the public by the office of the City Clerk at a price equal to the cost to the City. (Ord. 1423 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-28-70. Penalties and civil remedies.

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article, the Uniform Housing Code, or any order issued by the Building Official hereunder. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the Uniform Housing Code hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1423 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

ARTICLE 15-32

Uniform Mechanical Code

Sec. 15-32-10. Adopted; purpose.

There is hereby adopted by the City the Uniform Mechanical Code, 1994 edition, including all appendices thereto, promulgated by the International Conference of Building Officials for the purpose

of providing requirements for the protection of life and limb, property, safety and welfare of the general public by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the City. (Ord. 1425 §1(part), 1992; Ord. 1464, 1995)

Sec. 15-32-15. Nonliability.

The adoption of the code by this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents. (Ord. 1425 §1(part), 1992; Ord. 1589, 1999)

Sec. 15-32-20. Availability of copy of code.

Not less than one (1) copy of the Uniform Mechanical Code has been and is now on file in the office of the City Clerk, and from the effective date of the ordinance amending this Section, the provisions of said code shall be controlling within the limits of the City. (Ord. 1425 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-32-30. Deletions.

Anything contained in the Uniform Mechanical Code which is now or is hereafter inconsistent with other specific ordinances of the City, is deleted and not adopted by the ordinance codified in this Article. (Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-32-40. Substitution of terms.

Whenever the term *Building Official* is used in the Uniform Mechanical Code, the term *Chief Building Official of the City of Brighton or his or her duly authorized agents, representatives, designees or appointees* shall be inserted in lieu thereof. (Ord. 1425 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-32-50. Section 110 amended; Board of Appeals.

Section 110 of the Uniform Mechanical Code is amended to read as follows:

“110.1 Appointment. There is hereby established a Board of Appeals which shall consist of five (5) residents of this City who are qualified by experience or training to pass upon matters pertaining to building construction. The Board shall act in order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code.

“110.2 Term of Office. The Board of Appeals shall be appointed by the Mayor, with the advice and consent of the City Council, and shall hold office at the pleasure of the City Council. Three (3) consecutive unexcused absences of any member from meetings of the Board shall render any such member liable to immediate removal from office.

“110.3 Procedure. Three (3) members of the Board shall constitute a quorum. In rendering any decision on an appeal hereunder, no less than three (3) affirmative votes shall be required. No Board member shall act in a case in which he or she has a personal interest. The Chief Building Official, or his or her designated representative or appointee, shall act as secretary of the Board of Appeals without vote and shall set forth the reasons for the Board's decisions, the vote of each member participating therein, the absence of any member and any failure of a member to vote. The Board may adopt rules and regulations for its own procedure, including designation of officers, other than the secretary, not inconsistent with the provisions of this Code, by motion duly made at a meeting of the Board of Appeals.

“110.4 Meetings. The Board shall meet at such time as is determined by the Chairman or any two (2) members within a reasonable time after the filing of an appeal with such Board, provided that such hearing date shall not be less than five (5) days nor more than sixty (60) days from the date the appeal was filed with the Building Official.

“110.5 Appeals. Whenever it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the Code or of any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his or her duly authorized agent may appeal from the decision of the Building Official to the Board of Appeals. Such appeal shall be in writing and shall be made within thirty (30) days of the action causing the appeal.

“110.6 Decision of the Board of Appeals. The Board of Appeals, when acting upon an appeal and after a hearing, shall determine the suitability of alternate materials and methods of construction and make interpretations of the provisions of this Code consistent with its purpose and intent. Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon the decision. Every decision shall be filed in the office of the Building Official within thirty (30) days of such decision and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise delivered to the applicant. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay, and the Building Official shall immediately act in accordance with such decision. A decision of the Board of Appeals, which in effect shall modify the provisions of this Code, shall not be considered a precedent for future decisions of the Building Official or Board of Appeals.

“110.6.1 Appeals from Board's Decision. All decisions made by the Board of Appeals are final and may not be appealed except to a court of law.

“110.7 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code.”

(Ord. 1425 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-32-60. Copies of code available for sale.

Copies of the Uniform Mechanical Code are available for sale to the public by the office of the City Clerk at a price equal to the cost to the City. (Ord. 1425 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

Sec. 15-32-70. Penalties and civil remedies.

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article, the Uniform Mechanical Code, hereby adopted or any order issued by the Building Official hereunder. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the Uniform Mechanical Code, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1425 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999)

ARTICLE 15-36

Uniform Plumbing Code

Sec. 15-36-10. Adopted; purpose.

There is hereby adopted by the City the Uniform Plumbing Code, 1994 edition, including Appendices A through I, inclusive, and the International Association of Plumbing and Mechanical Officials Installation Standards, promulgated by the International Association of Plumbing and Mechanical Officials, save and except such amendments as are adopted for the purpose of providing minimum standards to safeguard life and limb, health, property and public welfare by regulating plumbing methods, services and materials. (Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997)

Sec. 15-36-15. Nonliability.

The adoption of the code by this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents. (Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-36-20. Availability of copy of code.

Not less than one (1) copy of said code, including the appendices herein adopted and the standards herein adopted, has been and is now filed in the office of the City Clerk, and from the date on which this Article shall take effect, the provisions of the Uniform Plumbing Code, the appendices thereto

hereby adopted and the standards hereby adopted shall be controlling within the limits of the City. (Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-36-30. Deletions.

Anything contained in the Uniform Plumbing Code, those appendices thereto hereby adopted and the standards hereby adopted, which is now or is hereafter inconsistent with other specific ordinances of this City is deleted and not adopted by the ordinance codified in this Article. (Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-36-40. Section 20.1 repealed and reenacted; Administrative Authority.

Section 20.1 of the Uniform Plumbing Code is repealed and reenacted to read as follows:

“Section 20.1. Administrative Authority. The Administrative Authority as defined herein means the Chief Building Official of the City of Brighton or his or her duly authorized agents, representatives, designees or appointees, and shall be the authority authorized to enforce this Code.”

(Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-36-45. Section 20.14 repealed and reenacted; Board of Appeals.

Section 20.14 of the Uniform Plumbing Code, 1994 edition, is repealed and reenacted to read as follows:

“Section 20.14. Board of Appeals.

“(a) Appointment. There is hereby established a Board of Appeals which shall consist of five (5) residents of this City who are qualified by experience or training to pass upon matters pertaining to building construction. The Board shall act in order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Chapter.

“(b) Term of Office. The Board of Appeals shall be appointed by the Mayor, with the advice and consent of the City Council, and shall hold office at the pleasure of the City Council. Three (3) consecutive unexcused absences of any member from meetings of the Board shall render any such member liable to immediate removal from office.

“(c) Procedure. Three (3) members of the Board shall constitute a quorum. In rendering any decision on an appeal hereunder, no less than three (3) affirmative votes shall be required. No Board member shall act in a case in which he or she has a personal interest. The Chief Building Official, or his or her designated representative or appointee, shall act as secretary of the Board of Appeals without vote and shall set forth the reasons for the Board's decisions, the vote of each member participating therein, the absence of any member and any failure of a member to vote.

“The Board may adopt rules and regulations for its own procedure, including designation of officers, other than the secretary, not inconsistent with the provisions of this Code, by motion duly made at a meeting of the Board of Appeals.

“(d) Meetings. The Board shall meet at such time as is determined by the Chairman or any two (2) members within a reasonable time after the filing of an appeal with such Board, provided that such hearing date shall not be less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the Building Official.

“(e) Appeals. Whenever it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his or her duly authorized agent may appeal from the decision of the Building Official to the Board of Appeals. Such appeal shall be in writing and shall be made within thirty (30) days of the action causing the appeal.

“(f) Decision of the Board of Appeals. The Board of Appeals, when acting upon an appeal and after a hearing, shall determine the suitability of alternate materials and methods of construction and make reasonable interpretations of the provisions of this Code.

“Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Building Official and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise delivered to the applicant.

“The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay, and the Building Official shall immediately act in accordance with such decision.

“A decision of the Board of Appeals, which in effect shall modify the provisions of this Code, shall not be considered a precedent for future decisions of the Building Official.

“(g) Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the Board be empowered to waive requirements of this Code. The Board of Appeals shall have no authority relative to any of the administrative provisions of this Code and Sections 1001, 1002 and 1003.”

(Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-36-50. Section 203(d) amended; copper tubing.

Section 203(d) of the Uniform Plumbing Code is amended to read as follows:

“Section 203(d). Use of Copper Tubing. Copper tube for underground water piping shall be copper water tube Type "K." Copper tube for water piping within the structure shall be copper water tube Type "L," except Type "M" may be used when a building's piping system is, or is going to be, connected to the City's reverse osmosis water supply system.”

(Ord. 1426 §1(part), 1992; Ord. 1468, 1995; Ord. 1508 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-36-55. Section 409(a) amended; drainage of fixtures.

Section 409(a) of the Uniform Plumbing Code is amended to read as follows:

“Section 409(a) Drainage of Fixtures Located Below the Next Upstream Manhole or Below the Main Sewer Level.

“(a) Drainage piping serving fixtures which have flood level rims located below the elevation of the next upstream manhole cover of the public sewer serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve.

“Exception: The flood level rim of fixtures without backwater valves in single family basements may be placed as low as fifteen (15) inches above the finished basement floor elevation. All floor drains and fixture outlets lower than fifteen (15) inches above the finished floor must be protected from backflow with an approved backwater valve.”

(Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-36-65. Section 910 repealed and reenacted; plumbing fixtures required.

Section 910 of the Uniform Plumbing Code is repealed and reenacted to read as follows:

“Section 910. Plumbing Fixtures Required.

“(a) Each building shall be provided with sanitary facilities as prescribed by Appendix C of this Code. The Chief Building Official shall have the discretion to allow fewer fixtures than that which is prescribed in Appendix C when it is appropriate to do so, but in no case shall the fixture count be less than seventy-five percent (75%) of that prescribed by Appendix C for new buildings and new additions, and fifty percent (50%) of that prescribed in Appendix C for remodeling of existing buildings.

“Exception: Accessible fixtures and facilities required by other codes adopted by this jurisdiction shall be provided in accordance with the provisions of such codes.

“(b) All occupancies and structures containing kitchens constructed or reconstructed, mobile homes at the time of set up, and residential occupancies when inspected under the provisions of the Uniform Housing Code, shall be provided with a mechanically operated food waste disposal in each kitchen.

“(c) Aerators shall be installed on all kitchen sinks and lavatory faucets in all dwelling units.

“(d) All showers in dwelling units shall be equipped with the three-and-one-half-gallon flush tank, or equivalent controls for water conservation.”

(Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-36-75. Section 1003 added; cross-connection control.

Section 1003 of the Uniform Plumbing Code is amended by adding after the heading titled "Section 1003. Cross-Connection Control" the following additional text:

“Section 1003. Cross-Connection Control.

“(a) Administration.

“(1) General. The Administrative Authority will operate a cross-connection control program, including the keeping of necessary records, which fulfills the requirements of the State of Colorado Department of Health, Water Quality Division and CRS (1973 as amended) Sections 24-4-104, 24-4-105, 25-1-107, 25-1-108, 25-1-109 and 25-1-114.

“(2) Scope. The Administrative Authority and/or Utility Director shall be responsible for reasonable protection of all public potable water distribution systems, private water distribution systems having more than one (1) service connection, and plumbing systems presenting a risk to the public from contamination or pollution due to the backflow or back siphonage of contaminants into such systems from fixtures on the premises. The provisions of Sections 1001, 1002 and 1003 of this Code shall apply to both new and existing water services and plumbing systems within the City of Brighton. Water services located outside the City of Brighton boundaries which are connected to the City of Brighton potable water system will be subject to the cross-connection control regulations contained in UPC Sections 1001, 1002 and 1003.

“(3) Program to Begin in 1996. Beginning in 1996, the Administrative Authority will conduct a survey of existing water services in conjunction with initial premises inspections, to determine the nature of existing or potential hazards. Initial focus will be on high hazard industrial and commercial water premises followed by those premises presenting a lower hazard.

“(4) Degree of Hazard. The City of Brighton recognizes the threat to the public potable water supply system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of an approved backflow preventer in a location approved by the Administrative Authority.

“a. High Hazard. Cross-connections that present a threat of contamination (see definition for Contamination) are considered to be High Hazard. Identification of specific High Hazard water services will be conducted during initial premises survey and inspection to begin in 1993.

“b. Low Hazard. Cross-connections that present a threat of pollution (see definition for Pollution) are considered to be Low Hazard.

“(5) Appeals. Appeals by the owner from decisions of the Administrative Authority relative to the administrative provisions of this Code and Sections 1001, 1002 and 1003 may not be made to the Board of Appeals. All appeals must be directed to the State of Colorado Department of Health, Water Quality Division.

“Note: Since federal and state laws supersede local regulations, appeals from such regulations must be made to the appropriate authority, in this case, the State of Colorado.

“(b) Definitions.

“(1) Administrative Authority. The Administrative Authority is the Chief Building Official of the City of Brighton or his/her designee.

“(2) Approved. Approved means accepted or acceptable under an applicable specification or standard stated or cited in this Code, or accepted as suitable for the proposed use under procedures and authority of the Administrative Authority.

“(3) Backflow. Backflow is the flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any sources other than its intended source (see definitions for back siphonage, Back-Pressure Backflow in Section 103 of this Code)

“(4) Backflow Prevention Device. A backflow prevention device is a device approved by the Administrative Authority which will prevent pollution or the contamination of a potable water supply.

“(5) Certified Backflow Assembly Tester. A certified backflow assembly tester is a person who has shown competence to test and maintain backflow prevention devices to the satisfaction of the Administrative Authority and the State of Colorado Department of Health, Water Quality Division.

“(6) Containment. A method used to isolate a water service from the potable water supply by the installation of an approved backflow prevention device so that any hazards that may exist on the customer's side of the device are "contained" within the customer's water piping system, thus the term "containment."

“(7) Contamination. An impairment of the potable water which creates an actual hazard to the public health through the spread of disease by sewage, or poisoning by industrial or commercial fluids, solids, gases or waste. Also defined as High Hazard.

“(8) Cross-Connection. A cross-connection is any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it may be possible for nonpotable, used, unclean, polluted and contaminated water, or other substances, to enter into any part of such potable water system under any condition.

“(9) Fixture Isolation. A method of backflow prevention in which a backflow preventer is located to prevent contamination through a cross-connection within the owner's building or premises plumbing system as opposed to containment which does not address any hazards to the owner's plumbing system but protects the potable water supply system.

“(10) High Hazard Threat. Cross-connections classified by the Administrative Authority which present a threat of contamination (see definition for Contamination) are considered to be High Hazard.

“(11) Low Hazard Threat. Cross-connections that present a threat of pollution (see definition for Pollution) are considered to be Low Hazard.

“(12) Owner. Any person who has legal title to, or license to operate or habitat in, or in any manner has control of a property upon which a cross-connection may be present at the time of adoption of this Code or any time hereafter.

“(13) Pollution. An impairment of the quality of the potable water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use, as when polluted with nontoxic dye, sugar, etc. Also defined as Low Hazard.

“(14) Potable Water. Potable water is water which is satisfactory for drinking, culinary and domestic purposes and meets requirements of the health authority having jurisdiction.

“(15) Premises. The property of the owner, including all buildings, grounds and equipment which are located within the property boundaries. This includes all water service lines up to the City right-of-way.

“(16) Water Service. That point in the owner's water system beyond the sanitary control of the City of Brighton Utilities Department or other water supplier of more than two (2) taps; the outlet end of the water meter, and always before any unprotected water service branch.

“(c) New Services. Authority to Connect.

“(1) Written Approval Required. Water service connections for new services may not be made until approval to connect is given by the Administrative Authority in writing after all backflow prevention devices have been tested by a certified backflow assembly tester and approved.

“(2) Temporary Service Connection. Temporary connections to the public potable water supply to test water piping and fixtures will be allowed only when the new water piping is first flushed out properly and there exists no unprotected cross-connections within the plumbing system. Discovery of cross-connections during construction will be cause for termination of construction water service until the cross-connection is either eliminated or protected by an approved backflow prevention device.

“(3) Disinfection and Approval of Water Mains. To comply with City of Brighton Utility Department regulations, water mains and all water piping upstream of the water meter must be disinfected and flushed, and must receive Tri-County Health Department's inspection and written approval before being placed into service and accepted by the City of Brighton.

“(4) Meter Location. All water meter locations and specifications are subject to Utility Department construction specifications.

“(d) Grounds for Discontinuance of Water Service.

“(1) Unprotected Cross-Connections. All water services found by the Administrative Authority to have unprotected cross-connections and whose owners fail or refuse to eliminate or protect such cross-connections with an approved backflow prevention device within the time specified by the Administrative Authority will be subject to having their water service discontinued.

“(2) Failure to Allow Inspections. Every owner having a plumbing system which due to the nature of activities on the premises or in the building indicate that a hazard to the public potable water supply may exist, shall allow his/her premises to be inspected by the Administrative Authority to determine whether cross-connections, in fact, do exist. Failure on the part of any owner to allow the Administrative Authority to inspect his/her premises for possible cross-connections will be grounds for discontinuance of his/her water service.

“(3) Failure to Comply with Notice and Order. Failure, refusal or inability on the part of any owner to install any backflow prevention device or devices within the time specified by any notice and order received from the Administrative Authority shall constitute a ground for

discontinuing water service to the premises. If the service is discontinued, the owner must comply with the notice and order, call for inspection and pay reconnection fees, as appropriate, before service will be resumed.

“(4) Emergencies. When contamination of any potable water supply has occurred, the Administrative Authority and/or Utility Director is authorized to disconnect immediately any water service from which contamination is emanating.

“(e) Unauthorized Water Taps. Water service through any unauthorized water tap is subject to immediate discontinuance. When it is found that any water tap in place for fire-fighting purposes is being used for any purpose other than fire-fighting operations, the domestic water supply to the owner's premises will be subject to discontinuance until all unauthorized uses of the fire service water tap are disconnected and reinspected by the Administrative Authority.

“Additional water meters may be required by the Administrative Authority as a condition for continued water service whenever an unauthorized tap is discovered.

“(f) Certified Backflow Assembly Testers.

“(1) List of Licensed Testers. The Administrative Authority shall have on file a list of private contractors who are certified by the State of Colorado to test backflow prevention devices and who are licensed contractors in the City of Brighton.

“(2) Cause for Revocation of License. Refusal, neglect or failure on the part of any certified backflow assembly tester to comply with the City of Brighton's licensing regulations or this Code shall be grounds for revocation of that contractor's license and City listing.

“(g) Containment of Water Services.

“(1) Hazardous Water Services and Plumbing Systems. All plumbing systems and/or water services considered by the Administrative Authority to present a hazard to the City's potable water supply or premises plumbing system shall be contained by installing an approved backflow prevention device at all service connections to the owner's premises and at each cross-connection found within the premises plumbing system as directed by the Administrative Authority.

“(2) Compliance Notice Given. The Administrative Authority shall give notice in writing to any owner whose plumbing system has been found to present a hazard to any potable water supply. The notice and order shall state that the owner must install an approved backflow prevention device at each service connection to the owner's premises to contain the water service and/or install an approved backflow prevention device or devices at all cross-connections within the owner's plumbing system. The notice and order will specify the type and location of each backflow prevention device required, and will give a date certain by which the owner must comply with the order.

“(3) High Hazard Water Services and Plumbing Systems. Water services and/or plumbing systems presenting the most severe hazard to the public health will be given the shortest time period in which to comply. Any water service and/or plumbing system considered to present a severe hazard to the public health and whose contamination appears to be imminent must be contained immediately and the hazard eliminated.

“For high hazard water services, the Administrative Authority may allow up to ten (10) days from the date of the first premises inspection when the inspection reveals a high hazard cross-connection on the owner's premises.

“(4) Low Hazard Water Services and Plumbing Systems. Owners of existing water services and/or plumbing systems classified as presenting a low hazard will be allowed one hundred eighty (180) days from the date of the first premises inspection in which to comply with orders given by the Administrative Authority. Failure to eliminate a low cross-connection within the time specified will be cause for termination of water service.

“At any time a low hazard classification is changed by the Administrative Authority to a high hazard classification because of new information received or new circumstances encountered, the hazard must be eliminated within ten (10) days of being declared a high hazard.

“(h) Alternative to Containment; Low Hazard Water Services.

“(1) Fixture Isolation; Low Hazard. For low hazard cross-connections, in lieu of containing the owner's water service, the owner may choose to isolate all cross-connections on his/her premises with approved backflow prevention devices. If the owner chooses this alternative to containment, annual or semiannual inspection by the Administrative Authority and annual or semiannual testing of each required device by a certified backflow assembly tester will be required at no expense to the City of Brighton.

“(2) Fixture Isolation; High Hazard. All existing and future high hazard water services must be contained by installing approved backflow prevention devices at the service entrance and at all cross-connections within the plumbing system.

“(i) Compliance Deadlines; Final Notice.

“(1) Final Notices. If any owner refuses, neglects or fails to comply with a notice and order received by the Administrative Authority within the time specified in the order, a final notice will be sent by certified mail to the owner and the Colorado Department of Health, Water Quality Division. The final notice will reference the original notice and order, and will state that if compliance is not reached within ten (10) days of the receipt of such final notice, water service to the owner's premises will be discontinued.

“(2) Extenuating Circumstances. If the owner informs the Administrative Authority of extenuating circumstances as to why a deadline for compliance cannot be met, the Administrative Authority in consultation with the Utilities Director or his/her designee may grant extensions of up to thirty (30) days for high hazard water services, and sixty (60) days for low hazard water services. An extension of time so granted may be revoked at any time a water service or plumbing system becomes contaminated or is very likely to be contaminated, in which case the water service will be discontinued immediately.

“(3) Utilities Department Notified. Whenever a notice is sent to any owner by the Administrative Authority stating that water service to the owner's property will be discontinued, a copy of such notice will be forwarded to the Utilities Director and City Clerk. The Utilities Director will then take the appropriate action to protect the City's public potable water supply.

“(j) Protection of Occupants in Buildings or on Premises.

“(1) Building/Premises Inspections. Buildings or premises within which potable water is used to mix hazardous chemicals or any occupancy with cross-connections in the building or on the premises presenting a potential hazard to the public health shall be subject to reinspection by the Administrative Authority.

“(2) List of Buildings/Premises. Beginning in 1993, a list of buildings and/or premises will be developed systematically based upon criteria supplied from the Colorado Department of Health, Water Quality Division, and water billing records. All buildings and/or premises identified as potentially hazardous to public safety will be sent a notice stating that an inspection of their premises will be required.

“(3) Compliance Deadline. Any cross-connections discovered by such inspection or known to the owner shall be eliminated or protected with an approved backflow prevention device in accordance with the provisions of Section 1003 of this Code.

“(k) Owner's Responsibilities.

“(1) Eliminate Cross-Connections. The owner shall be responsible for the elimination or protection of all cross-connections on his/her premises or inside his/her building. The owner shall maintain his/her premises or building free from any unprotected cross-connections as a condition for containing water service.

“(2) Have Devices Tested. The owner, after having been informed by certified mail from the Administrative Authority to do so, shall install, maintain and have tested any and all required backflow preventers on his/her premises. Owners of new services requiring cross-connection control devices as a condition for a building permit shall have such devices tested by a certified cross-connection assembly tester before being authorized to receive service from the City or water provider, and at least annually thereafter. Testing and maintenance of all required cross-connection control devices shall be a condition for containing water service.

“(3) Maintain devices. The owner shall cause to be corrected any malfunction of any required backflow prevention device which is revealed by periodic testing or visual observance of any malfunction by any person.

“(4) Notify Administrative Authority of Cross-Connections. The owner shall inform the Administrative Authority of any proposed or modified cross-connections and of any existing cross-connections of which the owner is aware but has not been found by the Administrative Authority.

“(5) Protect Service Bypasses. The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operations for testing of the device(s) must supply additional devices necessary to allow testing to take place so that at no time the potable water supply to the service connection is left unprotected.

“(6) Licensed Plumbers to Install Devices. The owner shall cause to be installed only backflow prevention devices which are first approved by the Administrative Authority through the issuance of a permit. In all but owner-occupied single-family dwellings, only licensed plumbers will be allowed to install backflow preventers.

“(7) Identify Potable Water Piping. The owner shall identify all potable water piping on his/her premises in a manner that will clearly distinguish potable water piping from nonpotable water piping. The direction of flow must be identified on the piping.

“(8) Private Wells or Source of Water. Any owner having a private well or other private water source must have on file with the Administrative Authority permits for all required backflow prevention devices, and a well permit from the State of Colorado when the well or source is cross-connected to the City of Brighton potable water supply system. Permission to cross-connect may be denied by the Administrative Authority for operational, water aesthetic reasons, or safety reasons even if the owner proposes to install a backflow prevention device to isolate the private well.

“The owner may be required to install a backflow prevention device at the service entrance if a private water source is maintained on the premises, even if the private water source is not cross-connected to the City of Brighton's potable water supply system, or any other potable water supply system serving two (2) or more taps.

“(9) Owner to Pay for Testing Fees. The owner shall pay all fees for annual or more frequently required backflow prevention device testing, or retesting in case the device fails to operate correctly.”

(Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-36-80. Section 1004(a) repealed and reenacted; materials.

Section 1004(a) of the Uniform Plumbing Code is repealed and reenacted to read as follows:

“Section 1004. Materials.

“(a) Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel or other approved materials. CPVC, PB, PE or PVC water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. CPVC and PB water pipe and tubing may be used for hot and cold water distribution systems within a building. All materials used in the water supply system, except valves and similar devices, shall be of a like material, except where otherwise approved by the Administrative Authority.

“(b) Cast iron fittings up to and including two (2) inches (50.8 mm) in size, when used in connection with potable water piping, shall be galvanized.

“(c) All malleable iron water fittings shall be galvanized.

“(d) Piping and tubing which has previously been used for any purpose other than for potable water systems shall not be used.

“(e) Approved plastic materials may be used in water service piping, provided that where metal water service piping is used for electrical grounding purposes, replacement piping therefor shall be of like materials.

“Exception: Where a grounding system, acceptable to the Administrative Authority, is installed, inspected and approved, metallic pipe may be replaced with nonmetallic pipe. It shall be

the responsibility of the contractor to notify the building owner that an alternate grounding system must be installed immediately.

“(f) Solder shall conform to the requirements of Section 802(d).

“(g) Water pipe and fittings with a lead content which exceeds eight percent (8%) shall be prohibited in piping systems used to convey potable water.”

(Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-36-90. Section 1005(g) added; valves.

Section 1005 of the Uniform Plumbing Code is amended by adding Subparagraph (g) thereto, to read as follows:

“Section 1005(g) - Valves.

“(g) Every service pipe must be provided with a full flow gate valve and drain, or as an alternative, a stop and waste cock a minimum of one (1) size larger than the supply line, where it enters the building or basement, readily accessible and so situated that the water can be conveniently shut off and drained from the pipes. Drain valves with threaded hose connections shall be equipped with an acceptable backflow prevention device.”

(Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-36-100. No license required.

Contractors holding a valid City of Brighton Class "A," "B," "C," "D" or "P" contractor's license may install water supply and waste drainage lines located between the City mains and three (3) feet from the foundation of residential buildings without a plumber's license. (Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997)

Sec. 15-36-110. Copies of code available for sale.

Copies of the Uniform Plumbing Code, including appendices hereby adopted and the standards hereby adopted, are available for distribution and sale to the public by the office of the City Clerk at a price per copy equal to the cost to the City. (Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999)

Sec. 15-36-120. Penalties and civil remedies.

(a) It shall be unlawful for any person to violate any of the provisions of this Article, the Uniform Plumbing Code, including all appendices thereto hereby adopted, or the installation standards hereby adopted, to fail to comply with any order made thereunder, to construct in violation of any statement or plan submitted and approved thereunder or any certificate or permit issued thereunder, or to fail to comply with such order as affirmed or modified by the administrative authority of the City. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted, and upon conviction of any such violation, such person shall be

punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the Uniform Plumbing Code, 1994 edition, including all appendices thereto hereby adopted, or the installation standards adopted hereby, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999)

ARTICLE 15-42

Energy Efficiency Code for Nonresidential Buildings

Sec. 15-42-10. Adoption; purpose.

There is adopted by the City the Colorado Model Energy Efficiency Construction and Renovation Standards for Non-Residential Buildings, Second Edition, including standards set forth in Section 7 thereof, Figures 1 through 7, inclusive, and Tables 6-1A through 6-3, inclusive, and all 1979 amendments thereto as referred to in Energy Memo No. 5 by the Office of Energy Conservation of the State, promulgated in November 1977, by the Board of Energy Efficiency Non-Residential Building Standards which was appointed by the State of Colorado, Director of State Planning and Budgeting. These standards shall be referred to in this Article as the "code." Such code is adopted for the purpose of achieving effective utilization of energy in new, nonresidential building construction within the City. (Ord. 1050 §1, 1980)

Sec. 15-42-20. Provisions effective when and copy available where.

(a) Not less than one (1) copy of the code adopted by this Article has been and now is filed in the office of the City Clerk, and from the date on which this Article shall take effect, the provisions of the code in this Article adopted, including the standards, figures and tables adopted in this Article, shall be controlling within the City limits.

(b) Copies of the code adopted in this Article are available for distribution and sale to the public by the office of the City Clerk, at a price per copy equal to the cost to the City. (Ord. 976 §1(part), 1978)

Sec. 15-42-30. Amendments.

The Colorado Model Energy Efficiency Construction and Renovation Standards for Non-Residential Buildings is amended as follows: Section 103.0 entitled "Scope" is amended by adding thereto the following:

"This Code furthermore sets forth minimum requirements for the design and construction of outdoor heated swimming pools in the City."

(Ord. 976 §1(part), 1978)

Sec. 15-42-40. Appeal procedures.

In order to provide for final interpretation of the provisions of the code and to hear appeals therefrom, the Board of Appeals appointed and organized pursuant to adoption of the Uniform Building Code by the City in Article 15-4 of this Code is designated as the Board of Appeals for purposes of this code and the administrative and appeal procedures authority and responsibilities set forth in the Uniform Building Code shall be applicable and followed in the administration of this code. (Ord. 1050 §2, 1980; Ord. 1589, 1999)

Sec. 15-42-50. Penalties and civil remedies.

(a) It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done contrary to or in violation of any of the provisions of the code. Any person violating any of the provisions of the code shall be deemed guilty of a violation and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the code is committed, continued or permitted and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violation of this code. (Ord. 1050 §3, 1980; Ord. 1589, 1999)

ARTICLE 15-46

**Energy Conservation Performance Code for New Construction and
Renovation of Residential Buildings**

Sec. 15-46-10. Adoption; purpose.

There is hereby adopted by the City the Colorado Recommended Energy Conservation Performance Code for New Construction and Renovation of Residential Buildings, Second Edition, including standards set forth in Appendix A and B of the Colorado Model Energy Efficiency Construction and Renovation Standards for Residential Buildings, and all 1979 amendments as referred to in Energy Efficiency Construction and Renovation Standards for Residential Buildings, and all 1979 amendments as referred to in Energy Memo No. 5 by the Office of Energy Conservation of the State, adopted by the Colorado State Housing Board in November 1977 as recommended by the Residential Energy Conservation Code Advisory Committee. These standards shall be referred to herein as the "code". Such code is adopted for the purpose of achieving effective utilization of energy in new residential building construction within the City. (Ord. 1051 §1, 1980)

Sec. 15-46-20. Provisions effective when and copy available where.

(a) Not less than one (1) copy of the code adopted by this Article has been and now is filed in the office of the City Clerk and from the date on which this Article shall take effect, the provisions of the code in this Article adopted, including the standards, figures and tables adopted in this Article shall be controlling within the City limits.

(b) Copies of the code adopted in this Article are available for distribution and sale to the public by the office of the City Clerk, at a price per copy equal to the cost to the City. (Ord. 977 §1(part), 1978; Ord. 1589, 1999)

Sec. 15-46-30. Amendments.

The Colorado Recommended Energy Conservation Performance Code for New Construction and Renovation of Residential Buildings is hereby amended as follows:

- (1) Section 103.0(b) entitled "Scope" is amended by adding thereto the following:

“This Code furthermore sets forth minimum requirements for the design and construction in total or portions thereof, or additions thereto of those hotels, motels and apartment buildings that are over three (3) stories in height.”

- (2) Attachment F entitled "Insulation Standards" is hereby added to the said code to read as follows:

“Minimum insulation standards for residential buildings are as follows:

“1. Insulation having a minimum R-value of eleven (11) shall be used in all exterior walls, and floors contiguous to any unheated areas above grade.

“2. Insulation having a minimum R-value of thirty (30) shall be used in all exterior ceilings contiguous to any heated areas above grade.

“3. All windows above grade shall be double glazed. This includes any basement windows with more than eight hundred (800) square inches of area.

“4. All exterior doors or door leading to any unheated areas shall be weather stripped. All sliding glass doors shall be double glazed.

“5. All heat ducts penetrating unheated areas shall be wrapped with insulation with a R-value of a minimum of seven (7).”

(Ord. 1051 §2, 1980)

Sec. 15-46-40. Appeal procedures.

In order to provide for final interpretation of the provisions of the code and to hear appeals therefrom, the Board of Appeals appointed and organized pursuant to adoption of the Uniform Building Code by the City in Article 15-4 of this Code is designated as the Board of Appeals for purposes of the code, and the administrative and appeal procedures, authority and responsibilities set forth in the Uniform Building Code shall be applicable and followed in the administration of the code. (Ord. 1051 §3, 1980; Ord. 1589, 1999)

Sec. 15-46-50. Penalties and civil remedies.

(a) It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of the code hereby adopted. Any person violating any of the provisions of the code shall be deemed guilty of a violation

and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violation of this Article. (Ord. 1051 §4, 1980; Ord. 1589, 1999)

ARTICLE 15-50

Uniform Building Security Code

Sec. 15-50-10. Adoption; purpose.

There is hereby adopted by the City the Uniform Building Security Code, 1982 Edition, promulgated by the International Conference of Building Officials, save and except such amendments as are hereinafter set forth in Section 15-50-30. Such code is adopted to establish minimum standards to make dwelling units resistant to unlawful entry in the City. (Ord. 1202 §1(part), 1986)

Sec. 15-50-20. Provisions effective when and copy available where.

(a) Not less than one (1) copy of the Uniform Building Security Code adopted by Section 15-50-10, has been and now is filed in the office of the City Clerk, and from the date on which the ordinance codified in this Article takes effect, the provisions of the Uniform Building Security Code shall be controlling within the limits of the City.

(b) Copies of the Uniform Building Security Code, as adopted by this Article, are available for distribution and sale to the public in the office of the City Clerk at a price equal to the cost to the City. (Ord. 1202 §1(part), 1986; Ord. 1589, 1999)

Sec. 15-50-30. Amendments.

The Uniform Building Security Code is amended and changed in the following respects, and adopted herein as amended and changed. Section 4106 of the Uniform Building Security Code is amended by adding thereto the following:

“(e) Solid Core Exterior Wood Doors. All exterior wood doors shall be of a solid core construction with a minimum thickness of one and three-fourths ($1\frac{3}{4}$) inches, or if with panels, the panels shall not be less than nine-sixteenths ($\frac{9}{16}$) of an inch thick.

“(f) Metal Flush Bolts. The inactive leaf of double doors shall be equipped with metal flush bolts having a minimum embedment of five-eighths ($\frac{5}{8}$) inch into the head and threshold or top and bottom door frame.

“(g) Exterior Door Windows. Windows in exterior doors or within forty (40) inches of any locking mechanism shall be of a fully tempered glass or other break-resistant glass.”

(Ord. 1202 §1(part), 1986; Ord. 1589, 1999)

Sec. 15-50-40. Board of Appeals.

In order to provide for final interpretation of the provisions of the code and to hear appeals relative to the implementation and enforcement of the code, the Board of Appeals established for the Uniform Building Code, as adopted in Article 15-4 of this Code, shall hear all appeals relative to the Uniform Building Security Code, as hereby adopted, and the organization, procedures and authority as adopted for the Board of Appeals in conjunction with the Uniform Building Code are applicable to the Uniform Building Security Code hereby adopted. (Ord. 1202 §1(part), 1986; Ord. 1589, 1999)

Sec. 15-50-50. Violation; penalty and civil remedies.

(a) It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City contrary to or in violation of any of the provisions of this Article, the Uniform Building Security Code, including amendments thereto, or any order issued by the City Manager hereunder. Any person violating any of such provisions shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of such provisions is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the Uniform Building Security Code, including amendments thereto, as hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violation. (Ord. 1202 §1(part), 1986; Ord. 1589, 1999)